

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

v.

WILLIS T. BROWN, II,

Defendant.

8:19CR208

ORDER

This matter is before the Court on a Motion to Suppress (Filing No. 22) filed by defendant Willis T. Brown, II (“Brown”). Brown asks the Court to “suppress any and all evidence including statements, documents, tablets, computers, telephones, and thumb drives obtained as a result of the search of [his] home and seizure of [his] property on or about October 11, 2018.” As Brown sees it, the challenged evidence must be suppressed because the search and seizure of his property were not supported by probable cause or reasonable suspicion and violated his rights under the Fourth and Fourteenth Amendments to the United States Constitution.

On September 25, 2019, the magistrate judge¹ held an evidentiary hearing at which she received two exhibits and heard argument on Brown’s facial challenge to the validity of the warrant and the underlying administrative subpoena. On October 29, 2019, the magistrate judge issued her Findings and Recommendation (Filing No. 33) pursuant to 28 U.S.C. § 636(b)(1), recommending the motion be denied. The magistrate judge advised the parties the time to object was fourteen days and any untimely objection could be waived. *See* NECrimR 59.2(a). Neither party objected.

Section 636(b)(1) requires the Court to “make a de novo review of . . . specified proposed findings or recommendations to which objection is made.” Absent a timely objection, however, further review is unnecessary. *See Peretz v. United States*, 501 U.S.

¹The Honorable Susan M. Bazis, United States Magistrate Judge for the District of Nebraska.

923, 939 (1991); *Leonard v. Dorsey & Whitney LLP*, 553 F.3d 609, 619-20 (8th Cir. 2009) (“[T]he failure to file objections eliminates not only the need for de novo review, but *any* review by the district court.”); *see also* Fed. R. Crim. P. 59 (a), (b)(2) (explaining the failure to timely object waives the right to review); NECrimR 59.2(a), (e).

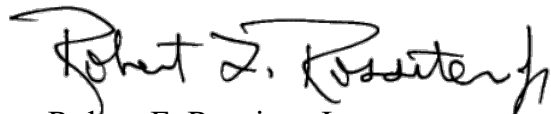
Given the absence of any objections to the magistrate judge’s findings and recommendation,

IT IS ORDERED:

1. The Findings and Recommendation (Filing No. 33) are accepted in their entirety. Any objections are deemed waived.
2. Defendant Willis T. Brown, II’s Motion to Suppress (Filing No. 22) is denied.

Dated this 18th day of November 2019.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Robert F. Rossiter, Jr.", with a stylized flourish at the end.

Robert F. Rossiter, Jr.
United States District Judge